

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.14450 of 2016

S.Udhayakumar ... Petitioner

Vs

1. The Commissioner of Police,
Vepery, Chennai - 600 007.
- 2.The Assistant Commissioner of Police,
SRMC Police Station Limit,
Porur, Chennai - 600 116.
3. The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai. ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the 2nd respondent to take appropriate action as against the 3rd respondent for the deviation of his duty as stated in the petitioner complaint dated 22.06.2016 and for further action.

For Petitioner :Mr.T.Ramachandran

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking a direction to the 2nd respondent to take appropriate action as against the 3rd respondent for deviation of his duty as stated in the petitioner's complaint dated 22.06.2016 and for further action.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. It is the case of the petitioner that he entered into a sale agreement with one S.Kamsala on 09.05.2014 for purchase of property said to be belonging to her and that, he had paid advance. Thereafter, since Kamsala did not come forward to

execute the sale deed, the petitioner appears to have filed a suit in O.S.No.71 of 2016 before the District Munsif-cum-Judicial Magistrate Court, Sriperumbudur for a bare injunction. He has not asked for prayer of specific performance of the contract. While so, it is alleged in the complaint dated 22.06.2016 that one Mohan came to the property and dispossessed the petitioner on 21.06.2016.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondents submitted that one Kaja Mohideen has purchased the property from Kamsala and the power agent of Kaja Mohideen by name Sadik Batcha has lodged a complaint, based on which, a petition enquiry was conducted in CSR No.836 of 2016 and the same was closed. On the complaint lodged by Sadik Batcha, the police had gone to the place for enquiry. At that time, the petitioner had taken photos and alleged that, the police have acted in an unruly manner.

5. It is seen that even though the petitioner earlier entered into a sale agreement with one Kamsala, he did not file a suit for specific performance of the contract but, he has come with the present complaint making allegation that one Mohan came to his property and dispossessed him. Under such circumstances, no positive direction can be issued as prayed for by the petitioner as the complaint does not disclose any cognizable offence and therefore, this petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sms
To

1. The Commissioner of Police,
Vepery, Chennai - 600 007.

2.The Assistant Commissioner of Police,
SRMC Police Station Limit,
Porur, Chennai - 600 116.

3. The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai.

4.The Public Prosecutor,
High Court, Chennai.

1 cc to Mr.T.Ramachandran, Advocate, sr.40163

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